

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

**IN RE: DIGITEK PRODUCT LIABILITY
LITIGATION**

MDL NO. 1968

THIS DOCUMENT RELATES TO ALL CASES

**DEFENDANTS' MOTION TO WITHDRAW AND SUBSTITUTE EXHIBIT F
TO BRIEF IN OPPOSITION TO PSC'S APPLICATION FOR FEES AND EXPENSES**

Under Local Rule 7.1 and pursuant to the Court's March 21, 2011 Memorandum and Order, Defendants Actavis Totowa LLC, Actavis Inc., and Actavis Elizabeth LLC ("Defendants") hereby respectfully request that the Court withdraw Attachment 2 to Doc. 477 (Exhibit F, Affidavit of Matthew P. Moriarty, filed with Defendants' Motion to File Under Seal Exhibits to Brief in Opposition to PSC's Application for Fees and Expenses) and substitute it with the attached Exhibit F, Affidavit of Matthew P. Moriarty, which may be placed in unredacted form on the public record in support of Doc. 478, Defendants' Brief in Opposition to PSC's Application for Fees and Expenses.

Defendants also request that the Court order the parties not to rely on the original Affidavit of Matthew P. Moriarty ("Affidavit"). The original Affidavit, though filed under seal, was served on the PSC. Because the Court does not intend to rely in its analysis on documents not open to the public, and because Defendants seek to shield the most sensitive information from public disclosure, the Court should bar the parties from quoting from or referring to information in the original Affidavit in their pleadings or at any hearing.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2011, a copy of the foregoing Motion To Withdraw And Substitute Exhibit F To Brief in Opposition to PSC's Application for Fees and Expenses was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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